

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

(1) MASON MECKLENBURG,

Plaintiff,

v.

Case No. CIV-22-089-G

**(1) KINGFISHER INDEPENDENT
SCHOOL DISTRICT NO. 7 OF
KINGFISHER COUNTY,
OKLAHOMA, a/k/a KINGFISHER
SCHOOL DISTRICT, a/k/a
KINGFISHER PUBLIC SCHOOLS;**

(2) JEFF MYERS, individually;

(3) MICAH NALL, individually;

**(4) DEREK PATTERSON, individually;
and;**

(5) BLAKE EATON, individually,

Defendants.

**DEFENDANTS' OPPOSED JOINT MOTION FOR
JUDICIAL SETTLEMENT CONFERENCE**

The Defendants, Independent School District No. 7 of Kingfisher County, Oklahoma, commonly known as the Kingfisher School District (the "School District"), Jeff Myers, in his individual capacity ("Myers"), Micah Nall, in his individual capacity ("Nall"), Derek Patterson, in his individual capacity ("Patterson"), and Blake Eaton, in his individual capacity ("Eaton") (collectively the "Defendants"), respectfully request that this Court set this case for judicial settlement conference pursuant to LCvR16.2(a). In support of this Motion, the Defendants state as follows:

1. This case involves claims against all Defendants brought pursuant to 42 U.S.C. § 1983 (“Section 1983”) for violation of the Fifth and Fourteenth Amendments to the United States Constitution. The Plaintiff also asserts a claim against the School District for violation of Title IX of the Education Amendments Act of 1972 pursuant to 20 U.S.C. § 1681(a) (“Title IX”). Finally, the Plaintiff asserts state law claims for gross negligence and intentional infliction of emotional distress against the individually named Defendants.

2. To date, the parties have participated in extensive discovery, which has included the taking of several depositions, the setting of numerous depositions, written discovery among the opposing parties and numerous subpoenas for documents issued to third-parties.

3. There is a significant amount of discovery that still needs to occur, so much so that counsel for the Plaintiff has requested an *unlimited* number of depositions on each side as long as all depositions per side do not exceed 110 hours in running time. Additional discovery includes disclosing and finalizing the Defendants’ expert witnesses, deposing experts on both sides, deposing the Plaintiff, his parents, the Defendants and scores of other fact witnesses in this case.

4. The legal fees and expenses incurred by the Defendants has already been significant and will continue to mount as this litigation continues.

5. The Defendants believe that it would be in the best interests of all the parties and judicial economy to set this matter for judicial settlement conference before a Magistrate Judge at the earliest possible date so that the parties can participate in meaningful settlement discussions before additional resources are expended.

6. Unfortunately, Plaintiff's counsel has announced that they do not want to participate in a judicial settlement conference and have been unwilling to have meaningful settlement discussions. Accordingly, counsel for Plaintiff *objects* to this Motion.

7. The Defendants believe that a judicial settlement conference is the best vehicle for the parties to work towards a resolution of this case.

8. Pursuant to LCvR 16.1(a), the Court may, upon its own motion or on the request of any of the parties, set a settlement conference at any practicable time.

9. The setting of the settlement conference will not affect any other deadline in the case.

10. A proposed order for the Court's consideration has been submitted contemporaneously with this Motion.

WHEREFORE, the Defendants respectfully request that the Court enter an order setting this case for a settlement conference before a Magistrate Judge at the earliest possible date.

Respectfully submitted,

s/Emily C. Krukowski

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s/ Mark S. Rains

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CERTIFICATE OF DELIVERY

☒ I hereby certify that on June 8, 2023, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants, to:

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☐ I hereby certify that on _____, 2023, I served the attached document by United States Certified Mail, Return Receipt Requested on the following, who are not registered participants of the ECF System:

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